

REMARKS

This is in response to the Office Action dated December 1, 2004, wherein restriction was required among the claims as follows:

Group I, claims 1 and 3-20, directed to “a method of attaching hydrophilic species to hydrophilic macromolecules;”

Group II, claims 2-20, directed to “a method comprising exposing hydrophilic macromolecules immobilized to a surface to a hydrophilic species;”

Group III, claim 21, directed to “a nano-assembly;” and

Group IV, claims 22-23, directed to “a use of a nano-assembly.”

Applicants elect, with traverse, Group II claims 2-20. However, in light of the amendments to the claims, it is submitted that claims 21-23 should be included in Group II because claims 21-23 include each and every one of the limitations recited by, for example, claim 2 of Group II.

It is respectfully submitted that, contrary to the Examiner's argument, the claims of all of the identified groups are directed to substantially the same invention. Comparing claim 1 of Group I to claim 2 of Group II, for example, it is seen that both claims recite the very same three steps: “exposing,” “providing” and “immobilizing.” The preambles of both claims are drawn to the same invention, namely, the “method of attaching hydrophilic species to hydrophilic macromolecules [that are] immobilized on a hydrophobic surface.” Consequently, the requirement for restriction between claim 1, on the one hand, and claim 2 on the other, should be withdrawn.

In addition, with the claim amendments submitted herewith, the nano-assembly of claim 21 is defined as a product-by-process, and the process for making the nano-assembly of claim 21

is the very same process that is recited in claim 2 (as well as in claim 1). Accordingly, there should be no restriction required between the process of making the nano-assembly and the nano-assembly made by that process. The requirement for restriction between claims 2 and 21 should be withdrawn.

Likewise, the nano-assembly that is used as a nonoscale element, as recited in claim 22, is defined as a product-by- process, and the process for making that nano-assembly is the very same process that is recited in claim 2. Therefore, it follows that restriction between claims 2 and 22 is not proper, and the requirement therefor should be withdrawn.

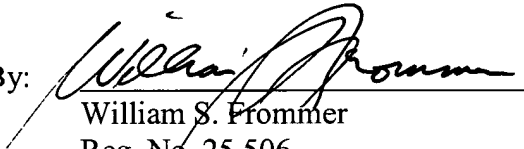
Finally, consistent with the present amendment, it is submitted that a search for the invention defined by the Group II claims will require a search that encompasses the claims of Groups I, III and IV and, thus, all of the groups of claims of the instant application will be searched. Therefore, if the present requirement for restriction is maintained, the logical result will be the filing of divisional applications to include the claims encompassed by the non-elected groups. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in the divisional applications will overlap with and, in all probability, be identical to the search that is to be conducted on the Group II claims elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional cases; but in light of the delay between the prosecution of the present application and that of the divisional applications, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional applications, a significant loss of PTO efficiency will result in his examination of those divisional cases. After all, the present

Examiner will be the individual in the best position to examine all applications and he will be fully familiar with the subject matter of those divisional applications.

Therefore, since the only logical outcome of the present restriction requirement would be to delay the examination of the claims included in Groups I, III and IV, resulting in inefficiencies on the part of the Office and unnecessary expenditures by Applicants, and since the single search can be done for all claims without any significant burden on the Office, the withdrawal of the instant restriction requirement and the examination on the merits of all of claims 1-23 are respectfully solicited.

Respectfully submitted,
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